IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

THURSDAY, THE 7TH DECEMBER 2006 / 16TH AGRAHAYANA 1928

Bail Appl..No. 7244 of 2006()

IN C.C. 460/0F J.F.M.C. - THALASSERY

PETITIONER/2ND ACCUSED

RAHEEM, S/O. MAMOOTTY, AGED 42,
O.V.HOUSE, THALASSERY.

BY ADV. SRI.K.S.MADHUSOODANAN
SRI.K.VISWAN

RESPONDENTS: COMPLAINANT & FORMAL PARTY

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1. STATE OF KERALA, REP. BY
PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

2. S.H.O.,
THALASSERY POLICE STATION, THALASSERY.

BY PUBLIC PROSECUTOR SRI.P.N. SUKUMARAN

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 07/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No. 7244 of 2006

DATED: December 7, 2006

O R D E R

Petitioner who is the 2nd accused in Crime No. 791 of 2004 of Thalassery Police Station Police Station for offences punishable under Secs. 420, 464, 468 read with Sec. 34 I.P.C., seeks anticipatory bail.

The case is now pending before the Judl.First Class Magistrate, Thalassery as C.C. No. 460/05. The grievance of the petitioner is that eventhough he did not receive summons from the court, non-bailable warrants of arrest are issued against him. Such being the position, I am not inclined to nullify the process issued by a court of competent jurisdiction by granting anticipatory bail. It is for the petitioner to seek regular bail after surrendering before the concerned Magistrate's Court and offering explanation for his non-receipt

of summons. Accordingly, if the petitioner surrenders before the magistrate court and files an application for regular bail, the same shall be considered and disposed of preferably on the same day on which it is filed after examining the grievance of the petitioner that he did not receive summons of the court and that the role attributed to him in the private complaint filed by the complainant does not deserve pre-trial incarceration..

With the above observation this application is dismissed.

V.RAMKUMAR,
JUDGE.

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